

LS-1901  
Subject  
322B  
K

OGC REVIEW  
COMPLETED  
COA/DD/P

5 November 1952

Office of the General Counsel

Utilization of [redacted]

25X1A

25X1A

1. You have requested our comment on the attached memorandum of 3 October 1952 to the DD/A, subject as above. The question is there posed as to whether an officer on active duty with the military forces might be paid the difference between military pay of a captain and that of a GS-14 as an inducement to remain with the military at his present post for a year before accepting release from active duty and entering our employment as a GS-14. It is our opinion that the acceptance by [redacted] of the difference between his Army salary and the salary of a GS-14 from Agency funds would be in direct violation of the dual compensation statutes, Title 5 U.S.C.A., sections 59 and 70.

2. The determination stated above is not affected by the Agency's authority to expend funds without regard to other provisions of law for objects of a confidential, extraordinary or emergency nature. The prohibitions of these statutes run to the individual and preclude his acceptance of unauthorized emoluments while a member of the Armed Forces on active duty.

25X1A

[redacted]

Attachment - Memo to DD/A, subject as above

OGC/JGO:ag:imm

Distribution -

Orig - Addressee  
4 - OGC

25X1A

Handcarried by [redacted]

- 11/20/52

SECRET